

# HOUSE BILL REPORT

## HB 1206

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### As Amended by the Senate

**Title:** An act relating to repeal of obsolete or superseded laws.

**Brief Description:** Repealing obsolete or superseded laws.

**Sponsors:** By Representative O'Brien.

### Brief History:

#### Committee Activity:

Judiciary: 1/25/05 [DP].

#### Floor Activity:

Passed House: 2/4/05, 96-0.

Senate Amended.

Passed Senate: 4/14/05, 37-0.

### Brief Summary of Bill

- Repeals various statutes dealing with slander of a woman, labor laws, liquor sales, and ambulance drivers.

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## HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 8 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby, Serben and Wood.

**Staff:** Trudes Tango Hutcheson (786-7384).

### Background:

#### Slander of a woman

A statute enacted in 1909 makes it a misdemeanor to maliciously make a false or defamatory statement about any female who is at least twelve years old and who is not a common prostitute if the statement injures her reputation for virtue or chastity or exposes her to hatred, contempt, or ridicule. The statement is presumed to be malicious unless it is justified. It is justified when the statement is true and fair and spoken with good motives and for justifiable ends.

#### Labor laws

A statute enacted in 1961 makes it a gross misdemeanor for any person not directly involved in a labor strike or lockout to recruit and bring in out-of-state workers to replace the workers

on strike or involved in the lockout. In *State v. Labor Ready, Inc.*, 103 Wn. App. 775 (2000), the court of appeals held that the statute was preempted by the federal National Labor Relations Act.

### **Liquor statutes**

Various statutes, some enacted since 1873, authorized county commissioners to license persons dealing with intoxicating liquors. More recent statutes provide that the licensing of liquor sales is the state's function and no municipality or county has the power to license the sale of liquor.

### **Ambulance drivers**

A 1945 statute requires ambulance drivers to take the advanced first aid course as prescribed by the American Red Cross and to be equipped with the standard American Red Cross first aid kit and leg and arm splints. Failure to comply with these requirements is a misdemeanor.

More recent statutes require the Department of Health to establish minimum requirements for ambulance and aid services. An ambulance must have at least one emergency medical technician (EMT) on board, and the driver, if not an EMT, must have at least a certificate of advance first aid qualifications. If there are two EMTs on board, the driver need not have a first aid certificate.

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### **Summary of Bill:**

The statutes dealing with slander of a woman, bringing in out-of-state workers in a labor dispute, local authority to license liquor sales, and ambulance driver requirements are repealed.

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### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment repeals the statute requiring hospitals to ask patients and family members about the organ donor status of the patient and to conduct a search of the patient's personal effects for a donor card to determine whether or not the patient is an organ donor. (In 2003, the Legislature passed a bill establishing the statewide organ donor registry, which allows hospitals to determine whether a person is an organ donor without having to ask or search the patient's personal effects.) The Senate amendment also removed the repeal of the statutes dealing with slander of a woman.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill came from the Washington Association of Prosecuting Attorneys (WAPA). In creating their charging manual, the WAPA examines all the crimes in the statutes and makes a list of ones that are obsolete. These crimes don't do anything anymore, are unconstitutional, or are preempted. This bill helps clean up the RCWs.

**Testimony Against:** None.

**Persons Testifying:** Representative O'Brien, prime sponsor; and Tom McBride, Washington Association of Prosecuting Attorneys.

**Persons Signed In To Testify But Not Testifying:** None.